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## **GUIDE TO WRITING ARGUMENTS, REBUTTALS AND ANALYSES FOR LOCAL MEASURES**

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This guide is for general information only and does not have the force and effect of law, regulation or rule. It is made available with the understanding that the City of Mountain View is not rendering legal advice and this document is not to be a substitute for legal counsel for the individual using it. In case of conflict, the law, regulation or rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all current legal standards and procedures.

# OVERVIEW

Santa Clara County Registrar of Voters shall conduct the election for the City of Mountain View ballot measure \_\_\_\_\_ (letter to be assigned by the Santa Clara County Registrar of Voters on August 12<sup>th</sup>) to be voted on at the November 8, 2016 Municipal Election:

Measure to be voted on:

Ballot Question: **(TO BE DETERMINED)**

Yes \_\_\_\_\_ No \_\_\_\_\_

The City Council of the City of Mountain View hereby submits to the registered electors of the City for their adoption or rejection in consolidated Municipal Election to be conducted by Santa Clara County Registrar of Voters on Tuesday, November 8, 2016, the following proposal to amend the City of Mountain View's Charter.

Measure to be voted on: **(TO BE DETERMINED)**

## FIXING TIME FOR SUBMISSION OF ARGUMENTS

The Deadline for the above Measure has been established as follows:

Argument:	August 15, 2016
End of 10-Day Public Inspection:	August 25, 2016
Rebuttal:	August 22, 2016
Impartial Analysis (City Attorney):	August 22, 2016
End of 10-Day Public Inspection:	September 1, 2016

### Arguments for and against:

- ❖ **Filers:** The governing board (i.e., City Council) or any member(s) of the legislative body authorized by the legislative body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of these voters and associations may **file** a written argument for or against the measures placed on the ballot by the governing body or city initiatives placed on the ballot. (California Elections Code §9282), hereinafter the California Elections Code will be referred to as “EC.”

The **filer** does not have to be a **signer** of the argument.

- ❖ Ballot arguments for **city measures** must be accompanied by the name or names of the person or persons filing it, or if filed on behalf of an organization, the name of the organization and the name of at least one of its principal officers. No more than five signatures shall appear with any argument submitted for or against a measure. (EC §9283)
- ❖ If more than one argument for or more than one argument against any city measure is submitted to the city elections official within the time prescribed, he or she shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument, the city elections official shall give preference and priority, in the order named, to the arguments of the following:
  1. The City Council, or any member or members authorized by the Council;
  2. The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure;
  3. Bona fide association of citizens;
  4. Individual voters who are eligible to vote on the measure. ( EC §9287)

The Code does not contain any provision for selecting an argument based on which argument was filed first, or earliest in relation to any arguments filed later, but before the deadline. All arguments filed before the deadline are considered equal in priority, but only one argument for and one argument against may be printed (EC §9287). In the event that two or more parties filing an argument for or against a measure fall under the same classification, then the City Clerk shall select one argument to print, utilizing the same process used in EC §15651 for determining the winning candidate in the event of a tie vote, by drawing of lots as outlined below.

## Procedures for Drawing of Lots

- ❖ The names of the authors of the arguments shall be written on pieces of paper, folded, and placed in a container. The container will be agitated to mix the papers, and then one paper shall be drawn at-a-time. As each piece of paper is removed, it will be opened and the name recorded in the order it was removed. The order in which the names are removed from the container shall be the order of priority for printing the argument, i.e., the first name chosen shall be the author whose argument shall be printed.

Arguments for a measure and arguments against a measure will each have their own drawing process.

The results will then be posted by the City Clerk.

- ❖ An Author's name will appear in the sample ballot pamphlet **exactly** as submitted on the signature line. Therefore, the "Type Name as Signed" line must match the signature line. Only the author's name will be printed on the name line. Titles, such as Mr., Mrs., Dr., M.B.A., etc., may be included on the title line. Again, the author's name and title will be printed **exactly** as submitted, therefore, you may want to spell out abbreviated words and add proper punctuation. Author names and titles must be **TYPED** on the forms.

The residential address line is not required to be completed unless the author is signing based on being a voter who is eligible to vote on the measure. Residential addresses will not be printed in the sample ballot pamphlet.

Arguments are limited to 300 words. You may refer to the section in this pamphlet titled "Guidelines for Counting Words" for assistance on counting words. Text is printed in the sample ballot pamphlet in single-spaced, full-justified, standard paragraph form. Only standard bullets (●) will be printed and non-standard bullets will be changed to standard bullets. You may **bold**, *italicize* and underline text.

After 5:00 p.m. on the argument filing deadline, arguments chosen will be emailed to opposing authors via the emails listed under the contact information.

Arguments filed with the City Clerk are confidential until after the deadline for filing of those arguments. The next business day after the deadline, arguments may be viewed by the public or photocopies purchased.

All signatures on arguments must be original signatures. Faxed, emailed or photocopied signatures will not be accepted.

Notwithstanding any other provisions of the EC, whenever any arguments in favor or against a City measure submitted to the voters are authorized, these arguments may be withdrawn by their proponent at any time prior to and including the final date fixed for filing arguments. Arguments may be changed up until the filing deadline for the argument.

## Rebuttal Arguments:

- ❖ In contrast to the arguments, those permitted to sign rebuttal arguments need not meet any criteria except that those who sign the rebuttal argument must either have signed the original argument or be authorized in writing from the authors of the argument to sign the rebuttal argument. The written authorization allowing a person to sign a rebuttal argument must be filed at the time of filing the rebuttal argument. You may use the form titled "Rebuttal Signer Authorization" in this pamphlet to authorize a different author to sign a rebuttal argument.

Rebuttal arguments will be printed in the Voter Information Portion of the sample ballot. The deadline for submission of rebuttal arguments is set by the City Clerk.

All rebuttal arguments for City measures shall be accompanied by the following form statement, to be signed by each author of the rebuttal argument:

"The undersigned author(s) of the rebuttal to the argument (**in favor or against**) of the ballot measure \_\_\_\_\_ (**letter to be assigned by the Santa Clara County Registrar of Voters on August 12th**) at the Municipal Election for the City of Mountain View to be held on November 8, 2016 hereby state that such argument is true and correct to the best of (**his/her/their**) knowledge of belief."

Signed \_\_\_\_\_ Date \_\_\_\_\_

No more than five author signatures shall be accepted on a rebuttal argument. Authors can sign on separate pages as long as the above required wording is on each page that an author signs. If you have authors sign on separate pages, number the names in the order they are to appear.

An Author's name will appear in the sample ballot pamphlet **exactly** as submitted on the signature line. Therefore, the "Type Name as Signed" line must match the signature line. Only the author's name will be printed on the name line. Titles, such as Mr., Mrs., Dr., M.B.A., etc., may be included on the title line. Again, the author's name and title will be printed **exactly** as submitted, therefore, you may want to spell out abbreviated words and add proper punctuation. Author names and titles must be **TYPED** on the forms.

All signatures on rebuttal arguments, authorizations or any other related documents must be original signatures. Faxed, emailed or photocopies signatures will not be accepted.

Rebuttal arguments are limited to 250 words. You may refer to the section in this pamphlet titled "Guidelines for Counting Words" for assistance on counting words. Text is printed in the sample ballot pamphlet in single-spaced, full-justified, standard paragraph form. Only standard bullets (●) will be printed and non-standard bullets will be changed to standard bullets. You may **bold**, *italicize* and underline text.

Rebuttal arguments filed with the City Clerk are confidential under after the deadline for filing of those arguments. The next business day after the deadline, arguments may be viewed by the public or photocopies purchased.

## Formatting of Measure Documents

- ❖ The Office of the Registrar of Voters uses standard typefaces, font sizes, headers and bullets in all measure related documents. In addition, measure related documents use the following formatting standards: 1) indent increments will be set at 0.25"; 2) spacing will be standardized to language-appropriate number of spaces following periods, colons, commas, and semicolons; 3) tabs will be used for numbered and/or bulleted indented text; and 4) signers will be formatted as conformed signatures with titles below the name. All measure related documents submitted to the Santa Clara County Office of the Registrar of Voters will be formatted to the prescribed standards.

## Rules for Counting Words (Elections Code Amendment - January, 2015)

SEC. 3. [Section 9 of the Elections Code](#) is amended to read:

- **§ 9. (a)** Counting of words, for purposes of this code, shall be as follows:
  - **(1)** Punctuation is not counted.
  - **(2)** Each word shall be counted as one word except as specified in this section.
  - **(3)** All **PROPER NOUNS, INCLUDING** geographical names **,** shall be considered as one word; for example, "City and County of San Francisco" shall be counted as one word.
  - **(4)** Each abbreviation for a word, phrase, or expression shall be counted as one word.
  - **(5)** Hyphenated words that appear in any generally available standard reference dictionary, published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted, shall be considered as one word. Each part of all other hyphenated words shall be counted as a separate word.
  - **(6)** Dates ~~consisting of a combination of words and digits shall be counted as two words. Dates consisting only of a combination of digits~~ shall be counted as one word.
  - **(7)** Any number consisting of a digit or digits shall be considered as one word. Any number which is spelled, such as "one," shall be considered as a separate word or words. "One" shall be counted as one word whereas "one hundred" shall be counted as two words. "100" shall be counted as one word.
  - **(8)** Telephone numbers shall be counted as one word.
  - **(9)** Internet ~~web~~ **WEB** site addresses shall be counted as one word.

- **(b)** This section shall not apply to counting words for ballot designations under Section 13107.

## **Impartial Analysis:**

- ❖ The City Attorney shall prepare an impartial analysis of a city measure. (§9280)
- ❖ The impartial analysis must not exceed 500 words. (§9280)

## **Legal Examination and Writ of Mandates:**

- ❖ The City Clerk shall make the arguments and rebuttal arguments available for public examination for a period of ten calendar days immediately following the filing deadline for submission of those documents.

Elections Code §13314(a) states:

(1) An elector may seek a writ of mandate alleging that an error or omission has occurred, or is about to occur, in the placing of a name on, or in the printing of, a ballot, sample ballot, voter pamphlet, or other official matter, or that any neglect of duty has occurred, or is about to occur.

(2) A peremptory writ of mandate shall issue only upon proof of both of the following:

- (A) That the error, omission, or neglect is in violation of this code or the Constitution;
- (B) That issuance of the writ will not substantially interfere with the conduct of the election.

(3) The action or appeal shall have priority over all other civil matters.



## ARGUMENT

### Declaration by Author(s) or Proponent(s)

(Elections Code §9600)

"The undersigned author(s) of the:

- ☐ argument in favor of
- ☐ argument against
- ☐ rebuttal to the argument in favor of
- ☐ rebuttal to the argument against

Ballot measure \_\_\_\_\_ (**letter to be assigned by the Santa Clara County Registrar of Voters on August 12th**) at the Consolidated Municipal Election for the City of Mountain View to be held on November 8, 2016, hereby state that such argument is true and correct to the best of \_\_\_\_\_ knowledge and belief.

(his/her/their)

### ARGUMENT/REBUTTAL FILED BY (check any of the following that apply):

☐

#### City Council

Contact Person's **TYPED** Name: \_\_\_\_\_

Contact Person's Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

☐

#### Bona Fide Association of Citizens or Filers

Name of Association: \_\_\_\_\_

Principal Officer's **TYPED** Name: \_\_\_\_\_

Principal Officer's Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

☐

#### Individual voter who is eligible to vote on the measure

**TYPED** Name: \_\_\_\_\_

Signature of Voter: \_\_\_\_\_

Address Where You Live: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_



## SIGNATURE STATEMENT - PAGE 2

CHECK ONE OF THE FOLLOWING & NOTE THAT THE LETTER OF MEASURE WILL BE ASSIGNED BY THE SANTA CLARA COUNTY REGISTRAR OF VOTERS ON AUGUST 12th:

- ☐ Argument in Favor of Measure \_\_\_\_\_  
☐ Argument Against Measure \_\_\_\_\_  
☐ Rebuttal to Argument in Favor of Measure \_\_\_\_\_  
☐ Rebuttal to Argument Against Measure \_\_\_\_\_

The signatures of the following persons below will be printed **as submitted** following the argument or rebuttal.

SIGNATURE	<u>TYPE</u> NAME as it will appear in the Voter's Information Pamphlet	<u>TYPE</u> TITLE & NAME OF ASSOCIATION (IF APPLICABLE) as it will appear in the Voter's Information Pamphlet	ARE YOU SIGNING ON BEHALF OF AN ASSOCIATION?  Yes or No. If no, and you are signing as an individual voter, please provide address of where you live.	DATE
1.	Female __ Male__			
2.	Female __ Male__			
3.	Female __ Male__			
4.	Female __ Male__			
5.	Female __ Male__			

# AUTHORIZATION FOR ANOTHER PERSON OR PERSONS TO SIGN REBUTTAL ARGUMENT

The author of an argument may sign the rebuttal argument or may authorize in writing any other person(s) to author/sign the rebuttal argument. Below is a sample of written authorization that is required when the author of the argument does not sign the rebuttal argument, but instead has/have another person(s) sign in their place. All required signatures must be original signatures.

As the signer on the Argument

- ☐ in favor  
☐ against

Measure \_\_\_\_ (letter to be assigned by the Santa Clara County Registrar of Voters on August 12th) at the Municipal Election for the City of Mountain View to be held of November 8, 2016, authorize the following person(s) to sign the rebuttal argument in my place:

(One or more people who signed the argument may be replaced with different people to sign the rebuttal)

1. \_\_\_\_\_ Female \_\_ Male\_\_ to sign instead of \_\_\_\_\_.  
(TYPE name of rebuttal signer) (TYPE name of argument signer)
2. \_\_\_\_\_ Female \_\_ Male\_\_ to sign instead of \_\_\_\_\_.  
(TYPE name of rebuttal signer) (TYPE name of argument signer)
3. \_\_\_\_\_ Female \_\_ Male\_\_ to sign instead of \_\_\_\_\_.  
(TYPE name of rebuttal signer) (TYPE name of argument signer)
4. \_\_\_\_\_ Female \_\_ Male\_\_ to sign instead of \_\_\_\_\_.  
(TYPE name of rebuttal signer) (TYPE name of argument signer)
5. \_\_\_\_\_ Female \_\_ Male\_\_ to sign instead of \_\_\_\_\_.  
(TYPE name of rebuttal signer) (TYPE name of argument signer)

Signature of Filer: \_\_\_\_\_ Date: \_\_\_\_\_

**Attach this form to the 2-page "Signature Statement" submitted with the rebuttal argument.**